

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

LAVENDER TEXTILES, INC d b a. Cobalt and Coral

(b) County of Residence of First Listed Plaintiff Northampton
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (firm Name, Address, and Telephone Number)
The Privacy Firm PC
1701 Walnut St Ste. 70354 PO Box 37635
Philadelphia PA 19101-0635 +1 215-995-5001

DEFENDANTS

ILYAN DELIRADEV, DOE CORPS 1-100

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	PROPERTY DAMAGE	JUNK CODE	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROTECTION RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
REAL PROPERTY	CIVIL RIGHTS	PRISONER LITIGATIONS		<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) IMMIGRATION <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity) 15 U.S.C. § 1114					
	Brief description of cause Trademark Infringement					

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.	DEMANDS 100,000.00	CHECK YES only if demanded in complaint JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions)	JUDGE	DOCKET NUMBER
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DATE 12/12/2018	SIGNATURE OF ATTORNEY OF RECORD
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FOR OFFICE USE ONLY	RECEIPT #	AMOUNT	APPLYING IFFP	JUDGE	MAG. JUDGE
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DEC 17 2018

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

18

5599

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 4532 Briarwood Drive, Nazareth, Pennsylvania 18204

Address of Defendant: 2 Drincha Panagyurishte Pazardzhik 4500 Bulgaria

Place of Accident, Incident or Transaction: Northampton County, PA

RELATED CASE, IF ANY:

Case Number _____ Judge _____ Date Terminated _____

Civil cases are deemed related when Yes is answered to any of the following questions.

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes No

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE 12/28/2018

Signature G. Bahgat 2018.12.28 09:54:02 -05'00'

Attorney-at-Law / Pro Se Plaintiff

323993 (PA)

Attorney ID # (if applicable)

CIVIL: (Place a √ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify) Trademark

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify)
- 7. Products Liability
- 8. Products Liability - Asbestos
- 9. All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION
(The effect of this certification is to remove the case from eligibility for arbitration)I, Joseph A. Bahgat, counsel of record or pro se plaintiff, do hereby certify Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs. Relief other than monetary damages is sought.

DATE 12/28/2018

Signature G. Bahgat 2018.12.28 09:54:38 -05'00'

Attorney-at-Law / Pro Se Plaintiff

323993 (PA)

Attorney ID # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORMJLS
LAVENDER TEXTILES INC.

CIVIL ACTION

v.
J LIYAN DELIRADEV, ET. AL.

18 5599

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()

(f) Standard Management – Cases that do not fall into any one of the other tracks.

12/28/2018

Date



Attorney-at-law

PLAINTIFF

Attorney for

215-995-5001

732-733-2386

JOELA PRIVACY, LAW

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

DEC 17 2018



JOSEPH A. BAHGAT

Managing Attorney

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1701 Walnut Street #70354

P O Box 37635

Philadelphia PA 19101-0635

VIA PRIORITY MAIL EXPRESS

13 December 2018

Clerk's Office
United States District Court
601 Market Street, Rm. 2609
Philadelphia, Pennsylvania 19106-1797

Re: *Lavender Textiles, Inc. d.b.a. Cobalt and Coral v. Iliyan Deliradev, et al.*

Dear Deputy Clerk:

Enclosed for filing is a new complaint, civil cover sheet, and request for issuance of summons. Also enclosed is a compact disc containing PDF copies, and the firm's check for \$400.00 to cover the filing and administrative fees. Upon opening the case please issue the summons and post to CM/ECF.

Thank you for your courtesies.

Very truly yours,

THE PRIVACY FIRM PC
Counsel for Plaintiff

Joseph A. Bahgat

Enclosures

CC: Etsy.com Legal Department

LEGAL PROS FOR YOUR INTERNET WOESSM

\$400.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
EASTON DIVISION

JLS

LAVENDER TEXTILES INC., a
Pennsylvania Corporation *d.b.a.* Cobalt
and Coral,

Plaintiff;

vs.

**ILIYAN DELIRADEV; DOE
CORPS. 1-100,**

Defendants.

18 5599

CIV. ACTION NO.

COMPLAINT
for Declaratory & Injunctive Relief

For its complaint against Iliyan Deliradev and Doe Corps. 1-100, plaintiff
Lavender Textiles, Inc. *d.b.a.* Cobalt and Coral alleges that:

1. Plaintiff is a Pennsylvania corporation that designs, markets, and distributes designer embroidered infant apparel and accessories from its principal place of business at 4532 Briarwood Drive, Nazareth, Pennsylvania 18204, in the county of Northampton.
2. Upon information and belief, defendant Iliyan Deliradev owns and/or operates an online business of unknown classification from the country of Bulgaria, and has a business address of 2 Drincha Panagyurishte Pazardzhik 4500.
3. Defendant's business model is based on copying plaintiff's designs and selling them through online marketplaces worldwide, including in Pennsylvania, using websites such as Etsy.com.
4. Upon information and belief, Doe Corps. 1-100 have also copied plaintiff's designs and sold them through online marketplaces worldwide, including in Pennsylvania,

using websites such as Etsy.com. The real names and addresses of Doe Corps. 1-100 are unknown at this time.

JURISDICTION & VENUE

5. This court has personal jurisdiction over defendant because defendant consented to jurisdiction in this judicial district.

6. Subject matter jurisdiction is proper because plaintiff is seeking relief for copyright and trademark infringement under 15 U.S.C. § 1121, 17 U.S.C. § 501, and 28 U.S.C. §§ 1331 and 1338(a).

7. Supplemental jurisdiction over plaintiff's state law claims is proper under 28 U.S.C. § 1337(a) because these claims are so related to plaintiff's federal law claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(a) because (a) plaintiff resides in Northampton County, Pennsylvania, and/or (b) a substantial part of the events giving rise to plaintiff's claims occurred in this judicial district.

FACTS COMMON TO ALL CLAIMS

9. Plaintiff has many years of experience in clothing and apparel design, and opened its first online store at Etsy.com in 2012. Plaintiff's designs were so popular that they were in the top 1% of all Etsy marketplaces within the first 13 months of doing business.

10. In 2016 plaintiff opened a second Etsy shop, Cobalt and Coral, which is dedicated to bringing to the market stylish and original baby apparel. Cobalt and Coral was even more successful than plaintiff's first shop, joining Etsy's top 1% in less than a year.

11. Cobalt and Coral remains one of Etsy's most successful shops, and has over 8,000 sales of plaintiff's uniquely created baby bodysuits, outfits, and related accessories.

12. In early 2018, plaintiff created a new design for infant "onesies"¹ that could be custom ordered with the family's surname, which were intended to be used when bringing newborn babies home from the hospital and identified the new baby as the newest member of the "team." For example, if the family's name was Miller, the onesie was embroidered with the phrase "Just Joined Team Miller."

13. In March 2018, plaintiff began selling the design in its Etsy.com online store, and sales immediately took off; within a few weeks, plaintiff was generating six-figure revenue just from this new design.

14. Over the next few months sales of the design continued to grow even faster, which prompted plaintiff to file an application for a U.S. Trademark registration.

15. Plaintiff hired a trademark attorney to perform a comprehensive search and prepare the application for trademark, which was filed with the USPTO on Aug. 20, 2018. The application was assigned serial number 88084651.²

16. After plaintiff filed the trademark application, they discovered defendants had copied their design exactly and was selling it online as their own creation.

17. Plaintiff did not authorize defendants or anyone else to use, borrow, copy, or license its design.

18. Plaintiff sent defendants a written demand to cease and desist selling unauthorized copies of plaintiff's design, and filed an infringement report with Etsy.com.

¹ A one-piece bodysuit with snaps that open conveniently to allow diaper changes without removing the garment.

² A true copy of the TEAS application acknowledgement is attached as Exhibit 1.

19. As a result of filing the infringement report, Etsy removed the infringing items from defendants' online store.

20. Defendants submitted a counter-notice to Etsy, claiming that plaintiff's notice of infringement was filed in bad faith.

21. Under Etsy's terms of use plaintiff could lose its exclusive rights to its intellectual property unless they seek redress in a court of law.

22. Plaintiff now brings this action against defendants, both known and unknown, for a declaration of its intellectual property rights, and for an order enjoining others from such infringing use.

COUNT ONE

COPYRIGHT INFRINGEMENT

23. Plaintiff repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 22, inclusive.

24. Plaintiff is the creator and sole owner of the "Just Joined Team" design.

25. By copying, offering for sale, and distributing plaintiff's design without plaintiff's authorization, defendants have infringed on plaintiff's exclusive rights secured under the U.S. Copyright Act.

26. At a minimum, defendants acted with willful blindness to and in reckless disregard of plaintiff's copyright.

27. Defendants (a) caused, induced, or materially contributed to unauthorized copying of plaintiff's design, and had reason to know about such copying and/or (b) had the right and ability to supervise, direct, and control such unauthorized copying, and (c) derived direct financial benefit from it.

28. As a result of their wrongful conduct, defendants are liable to plaintiff for direct copyright infringement under 17 U.S.C. § 501 et seq.

29. Plaintiff has suffered damages, and is entitled to recover damages from defendants, which include any and all profits defendants made as a result of their wrongful conduct, under 17 U.S.C. § 504.

30. Plaintiff is also entitled to injunctive relief under 17 U.S.C. § 502, and to an order impounding any and all infringing materials under 17 U.S.C. § 503.

31. Plaintiff has no adequate remedy at law for defendants' wrongful conduct because, among other things, (a) plaintiff's designs are unique and valuable property, which have no readily determinable market value, (b) defendants' infringement harms plaintiff such that plaintiff cannot be made whole by any monetary award, and (c) defendants' wrongful conduct and the resulting damage to plaintiff is continuing.

32. Plaintiff is also entitled to recover its attorneys' fees and costs of suit under 17 U.S.C. § 505.

COUNT TWO

TRADEMARK INFRINGEMENT

33. Plaintiff repeats and incorporates by reference each and every allegation set forth in paragraphs 1 through 32, inclusive.

34. Defendants' activities constitute infringement of plaintiff's trademarks in violation of the Lanham Act, including but not limited to 15 U.S.C. § 1114(1).

35. Because plaintiff advertises, markets, and distributes its designs under the trademarks described above, these trademarks are the means by which plaintiff's goods are distinguished from related goods made by others.

36. The infringing materials that defendants have and are continuing to advertise, market, copy, offer, and/or distribute are likely to cause confusion, mistake, or deception as to their source, origin, or authenticity.

37. Further, defendants' activities are likely to lead the public to conclude, incorrectly, that the infringing materials that defendants are advertising, marketing, copying, offering, and/or distributing originate with or are authorized by plaintiff, to the damage and harm of plaintiff, and the public.

38. Defendants advertised, marketed, copied, offered and/or distributed infringing material with the purposes of misleading or confusing customers and the public as to the origin and authenticity of the infringing materials and of trading upon plaintiff's business reputation.

39. Defendants had reason to know about infringement of plaintiff's trademarks, and caused, induced, or materially contributed to it.

40. At a minimum, defendants acted with willful blindness to and in reckless disregard of plaintiff's marks.

41. As a result of their wrongful conduct, defendants are liable to plaintiff for trademark infringement under 15 U.S.C. § 1114(1).

42. Plaintiff has suffered damages, which plaintiff is entitled to recover from defendants, including any and all profits defendants have made as a result of their wrongful conduct under 15 U.S.C. § 1117(a).

43. In addition, because of defendants' infringement of plaintiff's trademarks as described above, the award of actual damages and profits should be trebled pursuant to 15 U.S.C. §1117(b).

44. Plaintiff is also entitled to injunctive relief under 15 U.S.C. § 1116(a) and to an order compelling the impounding of all infringing materials advertised, marketed, copied,

offered, and/or distributed by defendants, under 15 U.S.C. § 1116(a) and (d)(1)(A). Plaintiff has no adequate remedy at law for defendants' wrongful conduct because, among other things, (a) plaintiff's trademarks are unique and valuable property that have no readily determinable market value, (b) defendants' infringement constitutes harm to plaintiff such that plaintiff could not be made whole by any monetary award, (c) if defendants' wrongful conduct is allowed to continue, the public is likely to become further confused, mistaken, or deceived as to the source, origin, or authenticity of the infringing materials, and (d) defendants' wrongful conduct and the resulting damage to Plaintiff is continuing.

45. Plaintiff is also entitled to recover its attorneys' fees and costs of suit under 15 U.S.C. § 1117.

COUNT THREE

FALSE DESIGNATION OF ORIGIN, DESCRIPTION & REPRESENTATION

46. Plaintiff repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 45, inclusive.

47. Because plaintiff advertises, markets, and distributes its designs under the trademarks described above, these trademarks are the means by which plaintiff's goods are distinguished from the similar goods by other producers.

48. Defendants' wrongful conduct includes the use of plaintiff's marks, and/or imitation of its visual designs, making them virtually indistinguishable from plaintiff's goods.

49. Defendants engaged in such wrongful conduct with the purpose of misleading or confusing customers and the public as to the origin and authenticity of the goods and services advertised, marketed, copied, offered, and/or distributed in connection

with plaintiff's marks, name, and imitation visual designs, and of trading upon plaintiff's goodwill and business reputation.

50. Defendants' conduct constitutes (a) false designation of origin, (b) false or misleading description, and (c) false or misleading representation that the imitation visual images originate from or are authorized by plaintiff, all in violation of Lanham Act § 43(a), codified at 15 U.S.C. § 1125(a).

51. Defendants' wrongful conduct is likely to continue unless restrained and enjoined.

52. As a result of defendants' wrongful conduct, plaintiff has suffered and will continue to suffer damages.

53. Plaintiff is entitled to injunctive relief and to an order compelling the impounding of all imitation marks and visual designs being used, advertised, marketed, copied, offered, and/or distributed by defendants.

54. Plaintiff has no adequate remedy at law for defendants' wrongful conduct because, among other things, (a) plaintiff's marks, name, and visual designs are unique and valuable property that have no readily-determinable market value, (b) defendants' advertising, marketing, copying, and/or distribution of imitation visual designs constitutes harm to plaintiff such that plaintiff could not be made whole by any monetary award, and (c) defendants' wrongful conduct and the resulting damage to plaintiff are continuing.

COUNT FOUR

UNFAIR COMPETITION

55. Plaintiff repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 54, inclusive.

56. The acts and conduct of defendants as alleged above in this complaint constitute unfair competition under to the common law of the commonwealth of Pennsylvania.

57. The acts and conduct of defendants are likely to cause confusion and mistake among customers and the public as to the origin or association of defendants' infringing copies of plaintiff's designs.

58. These acts and conduct are likely to lead the public to conclude, incorrectly, that the infringing goods copied, distributed, solicited for distribution, offered, advertised, and marketed by defendants originate with, are sponsored by, or are authorized by plaintiff, to the damage and harm of plaintiff, and the public.

59. Defendants' conduct as alleged above has damaged plaintiff and resulted in an illicit gain of profit to defendants in an amount that is unknown at the present time.

COUNT FIVE

FOR CONSTRUCTIVE TRUST UPON ILLEGAL PROFITS

60. Plaintiff repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 59, inclusive.

61. Defendants' conduct constitutes deceptive and wrongful conduct in the nature of passing off the infringing materials as plaintiff's genuine designs or designs that were approved or authorized by plaintiff.

62. By virtue of defendants' wrongful conduct, defendants have illegally received money and profits that rightfully belong to plaintiff.

63. Upon information and belief, defendants hold the illegally received money and profits in the form of bank accounts, real property, or personal property that can be located and traced.

64. Defendants hold the money and profits they have illegally received as constructive trustees for the benefit of plaintiff.

COUNT SIX
ACCOUNTING

65. Plaintiff repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 64, inclusive.

66. Under 17 U.S.C. § 504 and 15 U.S.C. § 1117 plaintiff is entitled to recover any and all profits of defendants that are attributable to their acts of infringement.

67. Under 17 U.S.C. § 504 and 15 U.S.C. § 1117 plaintiff is entitled to actual damages sustained by virtue of defendants' acts of infringement.

68. The amount of money due from defendants to plaintiff is unknown at this time and cannot be ascertained without a detailed accounting of the precise number of units of infringing material defendants advertised, marketed, copied, offered, and/or distributed for sale.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully requests judgment against defendants as follows:

- a) For declaratory relief, declaring that defendants:
 1. willfully infringed upon plaintiff's copyrights, in violation of 17 U.S.C. § 501;
 2. willfully infringed upon plaintiff's trademarks, in violation of 15 U.S.C. § 1114;
 3. committed and are committing acts of false designation of origin, false or misleading description of fact, and false or misleading representation

against plaintiff, in violation of 15 U.S.C. § 1125(a);

4. engaged in unfair competition in violation of Pennsylvania common law; and
5. otherwise injured the business reputation and business of plaintiff by the acts and conduct set forth in this complaint.

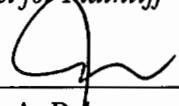
- b) For injunctive relief against defendants, and that defendants, their officers, agents, servants, employees, and all others in active concert or participation with defendants, be enjoined and restrained from:
 1. imitating, copying, or making any other infringing use or infringing distribution of plaintiff's original designs and/or goods;
 2. engaging in any other activity constituting an infringement of any of plaintiff's trademarks, and/or copyrights, or of plaintiff's rights in, or right to use or to exploit these trademarks, and/or copyrights; and
 3. assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities described above.
- c) Entry of an order under 15 U.S.C. § 1116(a)(d)(1)(A) and 17 U.S.C. § 503 impounding all counterfeit and infringing copies of plaintiff's designs and/or goods bearing any of plaintiff's trademarks or copyrighted material, and any related items, including business records, which are in defendants' possession or under their control;
- d) Entry of an order requiring that defendants hold in trust, as constructive trustees for the benefit of plaintiff, their illegal profits obtained from the distribution of counterfeit and infringing copies of plaintiff's designs, and requiring defendants to provide plaintiff a full and complete accounting of all sales related to goods bearing plaintiff's designs and/or other intellectual property;

- e) For treble damages under 15 U.S.C. § 1117(a) and/or (b);
- f) For treble the amount of defendants' profits for violation of Pennsylvania common law unfair competition;
- g) For the costs of this action and the reasonable attorneys' fees incurred by plaintiff in prosecuting this action; and
- h) For any other relief as the court deems just and proper.

Respectfully submitted,

THE PRIVACY FIRM PC

Counsel for Plaintiff

By: 

Joseph A. Bahgat

1701 Walnut Street Ste. 70354

P.O. Box 37635

Philadelphia PA 19101-0635

+1 215 995-5001

joe@privacyfirm.law

Dated: 12-Dec-2018

EXHIBIT 1


Serial number 88084651: Received Your Trademark/Service Mark Application, Principal Register

1 message

 TEAS@uspto.gov <TEAS@uspto.gov>
 To joe@privacyfirm.law

Mon, Aug 20, 2018 at 12 49 PM

**Filing Receipt for Trademark/Service Mark Application for Registration
on the Principal Register
and Next Steps in the Application Process**

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO). This filing receipt confirms your mark and serial number, describes next steps in the application process, and includes the information submitted in your application. Please read this receipt carefully and keep a copy for your records.

For an overview of important things to know after filing your application, visit our website to read the After You File page and watch video number 9 "After You File".

1. Your mark. JUST JOINED TEAM {SURNAME} (Standard Characters, mark.jpg)

The literal element of the mark consists of JUST JOINED TEAM {SURNAME}. The mark consists of standard characters, without claim to any particular font style, size, or color.

2. Your serial number. Your application was assigned serial number '88084651'. You must refer to your serial number in all communications about your application.

3. What happens next—legal examination. Your mark will not be registered automatically. In approximately three months, your application will be assigned to a USPTO examining attorney for review. The attorney will determine if your application meets all applicable legal requirements, and if it doesn't you will be notified in an email with a link to the official Office action (official letter from the USPTO). Visit our website for an explanation of application process timelines.

If your mark includes a design element, we will assign it one or more design search codes. We will notify you of these codes within the next few weeks and you can suggest that we add or delete a design search code from your file.

4. Keep your addresses current in USPTO records. We do not extend filing deadlines if you do not receive USPTO mail or email. If your postal address or email address changes, you must update the correspondence or owner's address using the address forms on our website.

5. Check your application status in our database every three to four months. To be sure that you don't miss an important email from us, and to avoid the possible abandonment of your application, check your application status and review your documents in our database, Trademark Status and Document Retrieval (TSDR) every three to four months.

6. Warning about private companies offering trademark-related services. Private companies may send you communications that resemble official USPTO communications. These private companies are not associated with the USPTO. All official correspondence will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov". If you are unsure about whether the correspondence is from us, check your records in our database, TSDR. Visit our website for more information on trademark-related communications that may resemble official USPTO communications.

7. Questions? Please visit our website, email us, or call us at 1-800-786-9199 and select option 1.

8. Application data. If you find an error in the data below, visit the After You File page on our website for information on correcting errors.

The information submitted in the application appears below:

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number
PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

**Trademark/Service Mark Application, Principal Register
TEAS Plus Application**

NOTE: Data fields with the * are mandatory. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application

The table below presents the data as entered

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	mark.jpg
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	JUST JOINED TEAM {SURNAME}
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color
APPLICANT INFORMATION	
*OWNER OF MARK	Lavender Textiles, Inc.
*STREET	4532 Briarwood Dr
*CITY	Nazareth
*STATE (Required for U.S. applicants)	Pennsylvania

*COUNTRY United States

*ZIP/POSTAL CODE 18064
(Required for U.S. and certain International addresses)

LEGAL ENTITY INFORMATION

*TYPE CORPORATION

* STATE/COUNTRY OF INCORPORATION Pennsylvania

GOODS AND/OR SERVICES AND BASIS INFORMATION

*INTERNATIONAL CLASS 024

*IDENTIFICATION Baby bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets, and diaper changing pad covers not of paper

*FILING BASIS SECTION 1(b)

*INTERNATIONAL CLASS 025

*IDENTIFICATION Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments

*FILING BASIS SECTION 1(a)

FIRST USE ANYWHERE DATE At least as early as 03/31/2018

FIRST USE IN COMMERCE DATE At least as early as 03/31/2018

SPECIMEN FILE NAME(S) SPE0-100194164-2018082012 1514028665_-just_joined_team_-spec_1.jpg
SPE0-100194164-2018082012 1514028665_-just_joined_team_-spec_2.jpg
SPE0-100194164-2018082012 1514028665_-just_joined_team_-spec_3.jpg

SPECIMEN DESCRIPTION
First specimen depicts a finished product using the common surname "Wilson". The second specimen shows the product with placeholder text where the surname is to be printed. The third specimen shows the mark without/before any personalization

ADDITIONAL STATEMENTS INFORMATION

*TRANSLATION
(if applicable)

*TRANSLITERATION
(if applicable)

*CLAIMED PRIOR REGISTRATION
(if applicable)

*CONSENT (NAME/LIKENESS)
(if applicable)

*CONCURRENT USE CLAIM
(if applicable)

ATTORNEY INFORMATION

NAME Joseph Bahgat
FIRM NAME The Privacy Firm PC
STREET P O Box 37635 #70354
CITY Philadelphia
STATE Pennsylvania
COUNTRY United States
ZIP/POSTAL CODE 19101-0635
PHONE 877-721-9027 x110
FAX 732-733-2386
EMAIL ADDRESS joe@privacyfirm.law

AUTHORIZED TO COMMUNICATE VIA EMAIL Yes

CORRESPONDENCE INFORMATION

*NAME Joseph Bahgat
FIRM NAME The Privacy Firm PC
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*CITY Philadelphia
*STATE Pennsylvania
(Required for U.S. addresses)
*COUNTRY United States
*ZIP/POSTAL CODE 19101-0635
PHONE 877-721-9027 x110

Input Field	Entered
FAX	732-733-2386
*EMAIL ADDRESS	joe@privacyfirm law
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEES INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	2
APPLICATION FOR REGISTRATION PER CLASS	225
*TOTAL FEES DUE	450
*TOTAL FEES PAID	450
SIGNATURE INFORMATION	
* SIGNATURE	/Joseph A Bahgat/
* SIGNATORY'S NAME	Joseph A Bahgat
* SIGNATORY'S POSITION	Attorney of Record, Member PA/NY/OH Bars
SIGNATORY'S PHONE NUMBER	877-721-9027 x110
* DATE SIGNED	08/20/2018

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 88084651

Filing Date: 08/20/2018

To the Commissioner for Trademarks:

The applicant, Lavender Textiles, Inc. a corporation of Pennsylvania, having an address of
 4532 Briarwood Dr
 Nazareth, Pennsylvania 18064
 United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.) as amended, for the following

International Class 024 Baby bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets, and diaper changing pad covers not of paper

Intent to Use The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services (15 U.S.C. Section 1051(b))

International Class 025 Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments

Use in Commerce The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark

In International Class 025, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 03/31/2018, and first used in commerce at least as early as 03/31/2018 and is now in use in such commerce. The applicant is submitting one (or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n): First specimen depicts a finished product using the common surname "Wilson", the second specimen shows the product with placeholder text where the surname is to be printed, the third specimen shows the mark without/before any personalization

Specimen-1 [SPE0-100194164-20180820121514028665_-just_joined_team_-spec_1.jpg]

Specimen-2 [SPE0-100194164-20180820121514028665_-just_joined_team_-spec_2.jpg]

Specimen-3 [SPE0-100194164-20180820121514028665_-just_joined_team_-spec_3.jpg]

The applicant's current Attorney Information

Joseph Bahgat of The Privacy Firm PC P O Box 37635 #70354
 Philadelphia, Pennsylvania 19101-0635
 United States
 877-721-9027 x110(phone)
 732-733-2386(fax)
 joe@privacyfirm law (authorized)

The applicant's current Correspondence Information

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 877-721-9027 x110(phone)
 732-733-2386(fax)
 joe@privacyfirm law (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$450 has been submitted with the application, representing payment for 2 class(es)

Declaration

 Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a).

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered.
- The mark is in use in commerce on or in connection with the goods/services in the application.
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application, and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate

AND/OR

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce.
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application, and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate

- ✓ To the best of the signatory's knowledge and belief, no other persons except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive
- ✓ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- ✓ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U S C § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true

Declaration Signature

Signature /Joseph A. Bahgat/ Date 08/20/2018

Signatory's Name Joseph A. Bahgat

Signatory's Position Attorney of Record Member PA/NY/OH Bars

Signatory's Phone Number 877-721-9027 x110

Thank you

The TEAS support team

Mon Aug 20 12 49 43 EDT 2018

STAMP USPTO/FTK-100 1 94 164-20180820124943522502-88084651-6106067fdd5f3c880544b20979b22a71366411a8ae564b729f49370d359f7f62bd9-CC-5297-20180820121514028665

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